economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

This amendment to the interim final rule is necessary to initiate the program so as to benefit as many personnel as may otherwise be eligible. This program is time-sensitive and is authorized upon publication in the **Federal Register** until October 1, 1999. Comments will be considered in determining whether to amend this amendment to the interim final rule.

Public Law 96–354, ''Regulatory Flexibility Act'' This amendment to the interim rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) and does not have a significant impact on a substantial number of small businesses. The primary target for this program will be local educational agencies that are entitled to Chapter 1 funds pursuant to Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 *et seq.*). The program also will provide those contract employees whose DoD contract has been terminated as a result of completion or termination of a defense contract or program in defense spending.

Public Law 96–511, ''Paperwork Reduction Act'' This amendment to the interim rule does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

List of Subjects in 32 CFR Part 254

Elementary and secondary education, Military personnel.

Accordingly, 32 CFR part 254 is amended to read as follows:

PART 254—TEACHER AND TEACHER'S AIDE PLACEMENT ASSISTANCE PROGRAM

1. The authority citation for part 254 is revised to read as follows:

Authority: 10 U.S.C. 1151, 1598, 2410C.

2. In § 254.2, paragraphs (d) introductory text, (d)(1) and (d)(2) are revised to read as follows.

§ 254.2 Definition.

* * * * *

(d) *Eligible personnel.* Service members, civilian employees of the Department of Defense and the Department of Energy, and defense contractor employees who meet the specific requirements identified in paragraphs (d) (1) through (3) of this section. All persons selected shall have a baccalaureate or advanced degree (associate degree or higher for teacher's aide applicants) from an accredited institution of higher learning and, if selected, shall be willing to agree to obtain certification or licensure as an elementary or secondary school teacher or teacher's aide and to accept an offer of full-time employment as an elementary or secondary school teacher or teacher's aid for not fewer than 5 school years in a school that serves a concentration of children from low-income families.

(1) *Eligible service members.* Members of the Armed Forces who during the 9-year period beginning on October 1, 1990 are discharged or released from active duty after 6 or more years of continuous active duty immediately before discharge or release, and are not discharged or released from service under other than honorable conditions. Application must be made within 1 year after discharge or release, except that Service members whose date of discharge or release is on or after October 1, 1990, but before January 19, 1994, shall apply by October 5, 1995. Service members who do not meet the degree requirements at the time of discharge shall be considered to be eligible upon satisfying degree requirements with 5 years after discharge from active duty. In such case, former Service members must make application within 1 year after earning the applicable degree.

(2) *Eligible Nonmilitary Government Employees.* Full time civilian employees of the Department of Defense or the Department of Energy who have served at least 5 years in a civil service position and are terminated from Government employment as a result of reductions in defense spending or the closure of realignment of a military installation as determined by the Secretary of Defense or the Secretary of Energy. Application must be made after receipt of a notice of termination but not later than 1 year following termination.

* * * * *

3. In § 254.4, paragraphs (6) and (c) are revised to read as follows.

§ 254.4 Procedures.

* * * * *

(b) Eligible Service members shall apply for participation in the program not later than 1 year after the date of discharge or release, except that eligible Service members whose date of discharge or release is on or after October 1, 1990 but before January 19, 1994, shall apply by October 5, 1995. Service members who are not eligible on their date of separation because they do not meet the degree requirements required to participate in the program, but who earn an applicable degree within 5 years after separation, shall apply not later than 1 year after earning such a degree. Service members are also encouraged to register in the Public Community Service Registry their interest in pursuing employment as an elementary or secondary school teacher or teacher's aide. Information about the Registry is provided during preseparation counseling as part of the transition assistance program.

(c) Eligible Department of Defense or Department of Energy civilian employees shall apply after they have received written notice of termination of employment but not later than 1 year following the date of such termination. DANTES shall provide program information to civilian personnel offices that will allow civilian personnel offices to make an initial determination of eligibility and refer interested employees to installation education centers for program information and to DANTES for selection purposes.

* * * * *

Dated: May 31, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13956 Filed 6–7–95; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT24–1–7036a; FRL–5218–6]

Determination of Attainment of Ozone Standard for Salt Lake and Davis Counties, Utah, and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is determining, through direct final procedure, that the Salt Lake and Davis Counties ozone nonattainment area has attained the National Ambient Air Quality Standard (NAAQS) for ozone. This determination

is based upon three years of complete, quality assured ambient air monitoring data for the years 1992, 1993, and 1994 that demonstrate that the ozone NAAQS has been attained in this area. On the basis of this determination, EPA is also determining that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of Part D of Title 1 of the Clean Air Act are not applicable to the area for so long as the area continues to attain the ozone NAAQS. Also, in the proposed rules section of this **Federal Register**, EPA is proposing these determinations and soliciting public comment on them. If adverse comments are received on this direct final rule, EPA will withdraw this final rule and address these comments in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**.

EFFECTIVE DATES: This action will be effective July 24, 1995 unless written adverse comments are received by July 10, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: A copy of the air quality data and EPA's analysis are available for inspection at the following address: United States Environmental Protection Agency, Region 8, Air Programs Branch, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

Written comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch (8ART-AP), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Programs Branch (8ART-AP), United States Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 Phone: (303) 293–1814.

SUPPLEMENTARY INFORMATION:

I. Background

Subpart 2 of Part D of Title I of the Clean Air Act (CAA) contains various air quality planning and State Implementation Plan (SIP) submission requirements for ozone nonattainment areas. EPA believes it is reasonable to interpret provisions regarding reasonable further progress (RFP) and attainment demonstrations, along with certain other related provisions, so as not to require SIP submissions if an ozone nonattainment area subject to those requirements is monitoring attainment of the ozone standard (i.e., attainment of the NAAQS demonstrated with three consecutive years of complete, quality assured air quality monitoring data). As described below, EPA has previously interpreted the general provisions of subpart 1 of part D of Title I (sections 171 and 172) so as not to require the submission of SIP revisions concerning RFP, attainment demonstrations, or contingency measures. As explained in a memorandum dated May 10, 1995, from John Seitz, Director, Office of Air Quality and Planning Standards, to the Regional Air Division Directors, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'', EPA believes it is appropriate to interpret the more specific RFP, attainment demonstration and related provisions of subpart 2 in the same manner.

First, with respect to RFP, section 171(1) of the CAA states that, for purposes of part D of Title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), or the more specific RFP requirements of subpart 2 for classified ozone nonattainment areas (such as the 15 percent plan requirement of section 182(b)(1)), the stated purpose of RFP is to ensure attainment by the applicable attainment date.[1] If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled and EPA does not believe that the area need submit revisions providing for the further emission reductions described in the RFP provisions of section 182(b)(1).

EPA notes that it took this view with respect to the general RFP requirement of section 172(c)(2) in the General Preamble for the Interpretation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498 dated April 16, 1992), and it is now extending that interpretation to the specific provisions of subpart 2. In the General Preamble, EPA stated, in the context of a discussion of the requirements applicable to the evaluation of requests to redesignate nonattainment areas to attainment, that the ''requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.'' (57 FR at 13564.)[2]

Second, with respect to the attainment demonstration requirements of section 182(b)(1), an analogous rationale leads to the same result. Section 182(b)(1) requires that the plan provide for ''such specific annual reductions in emissions . . . as necessary to attain the national primary ambient air quality standard by the attainment date applicable under this Act.'' As with the RFP requirements, if an area has in fact monitored attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of certain section 172(c) requirements provided by EPA in the General Preamble to Title I, as EPA stated there that no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' (57 FR at 13564; *see also* the September 4, 1992, John Calcagni memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' at page 6.) Upon attainment of the NAAQS, the focus of state planning efforts shifts to the maintenance of the NAAQS and the development of a maintenance plan under section 175A.

Similar reasoning applies to other related provisions of subpart 2. The first of these are the contingency measure requirements of section 172(c)(9). EPA has previously interpreted the contingency measure requirement of section 172(c)(9) as no longer being applicable once an area has attained the standard since those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' (57 FR at 13564; *see also* the September 4, 1992, John Calcagni memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' at page 6.)

[1] EPA notes that paragraph (1) of subsection 182(b) is entitled ''PLAN PROVISIONS FOR REASONABLE FURTHER PROGRESS'' and that subparagraph (B) of paragraph 182(c)(2) is entitled ''REASONABLE FURTHER PROGRESS DEMONSTRATION,'' thereby making it clear that both the 15 percent plan requirement of section 182(b)(1) and the 3 percent per year requirement of section 182(c)(2) are specific varieties of RFP requirements.

[2] *See also* ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' from John Calcagni, Director, Air Quality Management Division, to Regional Air Division Directors, September 4, 1992, at page 6 (stating that the ''requirements for reasonable further progress . . . will not apply for redesignations because they only have meaning for areas not attaining the standard'').

EPA emphasizes that the lack of a requirement to submit the SIP revisions discussed above exists only for as long as an area designated nonattainment continues to attain the standard. If EPA subsequently determines that such an area has violated the NAAQS, the basis for the determination that the area need not make the pertinent SIP revisions would no longer exist. The EPA would notify the State of that determination and would also provide notice to the public in the **Federal Register**. Such a determination would mean that the area would have to address the pertinent SIP requirements within a reasonable amount of time, which EPA would establish taking into account the individual circumstances surrounding the particular SIP submissions at issue. Thus, a determination that an area need not submit one of the SIP submittals amounts to no more than a suspension of the requirement for so long as the area continues to attain the standard.

The State must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The air quality data relied upon to determine that the area is attaining the ozone standard must be consistent with 40 CFR Part 58 requirements and other relevant EPA guidance and recorded in EPA's Aerometric Information Retrieval System (AIRS).

The determinations that are being made with this **Federal Register** notice are not equivalent to the redesignation of the area to attainment. Attainment of the ozone NAAQS is only one of the criteria set forth in section 107(d)(3)(E) that must be satisfied for an area to be redesignated to attainment. To be redesignated, the state must submit and receive full EPA approval of a redesignation request.

Furthermore, the determinations made in this notice do not shield an area from future State or EPA action to require emissions reductions from sources in the area where there is evidence, such as photochemical grid modeling, showing that emissions from sources in the area contribute significantly to nonattainment in, or interfere with maintenance by, other nonattainment areas. EPA has authority under sections 110(a)(2)(A) and 110(a)(2)(D) to require such emission reductions if necessary and appropriate to deal with transport situations.

II. Analysis of Air Quality Data

The EPA has reviewed the ambient air monitoring data for ozone (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS) for the Salt Lake and Davis Counties ozone nonattainment area in the State of Utah for 1992, 1993, and 1994. On the basis of that review EPA has concluded that the area has attained the ozone standard. Thus, this area is no longer recording violations of the air quality standard for ozone. A summary table of the relevant air quality data is provided below. A more detailed description of the ozone monitoring data for the area is provided in the EPA technical support document for this action.

The values in the table below present the maximum recorded ozone measurements expressed, for each year, in parts per million (ppm).

Monitor name	AIRS ID No.	1992	1993	1994
Bountiful (Davis County)	49–011–0001 [1]	0.103	0.104	0.117
Salt Lake County	49–035–0003 [1]	0.104	0.111	[1] 0.124
Salt Lake City	49–035–3001 2	0.094	0.100	0.115

[1] EPA's ozone monitoring guideline provides that a measured exceedence of the ozone standard does not occur until a measured value of 0.125 ppm is recorded. Refer to EPA's ''Guideline for the Interpretation of Ozone Air Quality Standards'', EPA–450/4–79–003, OAQPS No. 1.2–108, dated January, 1979.

FINAL ACTION: EPA has determined that the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard for 1992, 1993, and 1994. As a consequence of EPA's determination that the Salt Lake and Davis Counties area has attained the ozone standard, the requirements of section 182(b)(1) concerning the submission of the 15 percent plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures are not applicable to the area so long as the area does not violate the ozone standard.

Specific to the Salt Lake and Davis Counties' ozone nonattainment area, Governor Michael Leavitt submitted a Redesignation Request and Maintenance Plan on November 12, 1993. On January 13, 1995, the Governor submitted revisions to that initial submittal that included revised emission inventories.

Because the State submitted an Ozone Redesignation Request and Maintenance Plan SIP revision for Salt Lake and Davis Counties, in lieu of a 15 percent SIP revision, Salt Lake and Davis Counties have been subject to the motor vehicle emissions budget in the Ozone Redesignation Request and Maintenance Plan SIP revision for transportation conformity purposes (see 40 CFR 93.128(i)).

Pursuant to EPA's new May 10, 1995, policy, the State may continue to demonstrate conformity to this submitted motor vehicle emissions budget, or the State may choose to withdraw the applicability of the motor vehicle emissions budget in the Ozone Redesignation Request and Maintenance Plan SIP revision for transportation conformity purposes, through the submittal of a letter from the Governor. If the applicability of the submitted motor vehicle emissions budget is withdrawn for transportation conformity purposes, only the build/no-build and less-than-1990 tests will apply until the Ozone Redesignation Request and Maintenance Plan are approved. If the applicability of the submitted motor vehicle emissions budget is not withdrawn for transportation conformity purposes, it will continue to apply.

EPA emphasizes that the above determinations are contingent upon the continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected area. If a violation of the ozone NAAQS is monitored in the Salt Lake and Davis Counties area (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS), EPA will provide notice to the public in the **Federal Register**. Such a violation would mean that the area would thereafter have to address the requirements of section 182(b)(1) and section 172(c)(9) since the basis for the determination that they do not apply would no longer exist.

As a consequence of the determinations that the area has attained and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1), and the contingency measures requirement of section 172(c)(9), do not presently apply, the sanctions clock started by EPA on January 19, 1994, for the failure to submit a section 182(b)(1) 15 percent plan and attainment demonstration, and

section 172(c)(9) contingency measures, is hereby stopped as the deficiencies for which the clock was started no longer exist.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action will become effective on July 24, 1995. However, if the EPA receives adverse comments by July 10, 1995, then the EPA will publish a notice that withdraws the action, and will address those comments in the final rule on this action which has been proposed for approval in the proposed rules section of this **Federal Register**.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. Today's determination does not create any new requirements, but allows suspension of the indicated requirements. Therefore, because the approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

Under Sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA's final action does not impose any federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act, upon the State. No additional costs to State, local, or tribal governments, or to the private sector, result from this action, which suspends the indicated requirements. Thus, EPA has determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 7, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen oxides, Ozone, Volatile organic compounds, Intergovernmental relations, Reporting and record keeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 31, 1995.

William P. Yellowtail,

Regional Administrator.

40 CFR part 52, Subpart TT, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q

Subpart TT—Utah

2. Section 52.2332 is added to read as follows:

§ 52.2332 Control strategy: Ozone.

Determination—EPA is determining that, as of May 17, 1995, the Salt Lake and Davis Counties ozone nonattainment area has attained the ozone standard based on air quality monitoring data from 1992, 1993, and 1994, and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the area for so long as the area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[FR Doc. 95–14067 Filed 6–7–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[UT–001; FRL–5217–8]

Clean Air Act Final Full Approval of Operating Permits Program; Approval of Construction Permit Program Under Section 112(l); State of Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval.

SUMMARY: The EPA is promulgating full approval of the Operating Permits Program submitted by the State of Utah for the purpose of complying with Federal requirements for an approvable State Program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also approving the Utah Construction Permit Program under section 112(l) of the Clean Air Act for the purpose of creating Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Clean Air Act.

EFFECTIVE DATE: July 10, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Laura Farris, 8ART–AP, U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294–7539.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 (part 70) require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program